

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CR-218-BO
NO. 5:15-CV-633-BO

ERIC DEVON BARNES,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER

This cause is before the Court on petitioner's motion to vacate under 28 U.S.C. § 2255 and the government's corresponding motion to dismiss. Petitioner makes an argument raising *Johnson v. United States*, 135 S.Ct. 2551 (2015).

Pursuant to Standing Order 15-SO-2, the Office of the Federal Public Defender is appointed to assess the viability of petitioner's *Johnson* claim.

SO ORDERED this 4 day of February, 2016.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE